

Appn: No. 09/702,229
Amendment Dated June 2, 2003
Reply to Office Action of March 4, 2003

MATP-596US

Remarks/Arguments:

Claims 4, 8, and 13 were rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This objection is overcome by the amendments to the claims, transmitted herewith.

Additionally, claims 1-8 were rejected under 35 U.S.C 102(e) as being anticipated by Humpleman. With respect to claims 1-4, this ground for rejection is overcome by the amendments to claim 1. With respect to claims 5-8, this ground for rejection is respectfully traversed.

Humpleman discloses a system whereby various multimedia and communications signals coming into a home are all received at a central interface and each signal is processed through the particular data provider's handshaking protocol before being routed throughout the home. An example of this would be a DSL or Cable modem that would log onto a provider's network and subsequently provide network access to all terminals in the home connected to the internal Ethernet network. This presents an advantage in that each terminal does not require its own DSL or Cable modem.

With respect to claim 1, the office action recites:

"The data communication system of Humpleman (noting particularly Figs. 1-3) involves providing auxiliary data from a television receiver STB 40, which comprises a terminal (e.g. cable network interface unit NIU 32 first applied to internal network 34 and then to STB 40) which applies a standard A/V stream and auxiliary data such as fax, e-mail, printer documents, and other data to other devices which Humpleman

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does not exhaustively list (col. 3 lines 9-16). Controller 90 (Fig. 5) of the STB transceiver works in concert with microprocessor 100 (Fig. 6) of the NIU transceiver to extract the auxiliary data which in turn is sent to a shared data device (e.g. DVCR, printer, PC) by way of communication channel 15, thereby meeting claim 1."

The Applicant respectfully disagrees with this interpretation of Humpleman and refers the Examiner to col. 5, lines 6-8, which recite "the present invention, as shown in FIGS. 1 and 2, separates the functionality of the network interface units 32 from the set-top electronics 40." This is to say that the Humpleman system involves the separation of the processing of the handshaking protocol of various proprietary data signals sent from respective broadcasters from the actual demultiplexing of the data stream into video/audio/etc for display to the consumer via a set top box. In the case of the MPEG data stream, this is further supported in col. 6, lines 5-9, which recite "according to the present invention... conversion to real video takes place only at the display device (e.g. television 12) or the set-top electronics 40." Even further support is provided in col. 7, lines 50-54, which recite "a second stage demultiplexing to separate the video, audio and other data still occurs in the set-top electronics, while decoding is preferably only performed at the display terminal or computer." These STB conversions and decoding methods and means are mentioned but are not discussed by Humpleman.

Thus it can be seen that Humpleman neither explicitly nor implicitly teaches, as required by amended claim 1 of the subject application, "a controller internal to the television receiver which processes the data stream to extract the auxiliary data". Humpleman does not disclose or suggest that any of the television receivers (i.e. the STE's, the DTV, the DVCR, or the D-Cam) includes a processor which extracts

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auxiliary data from the data stream. Furthermore, Humpleman does not disclose or suggest that the television receiver is coupled to a shared data device to transfer the auxiliary data from the controller to the shared data device. Indeed, Humpleman discloses only that the television receiver receives data from the network and provides only television signals to other devices. This does not meet the limitations of claim 1, which requires that the auxiliary data be distinct from the television signals.

With regard to claim 5, Humpleman does not disclose or suggest that the television receiver provides the auxiliary data signal in accordance with a shared data device protocol. As described above, Humpleman discloses that the television receivers provide only television signals, not auxiliary data signals.

Accordingly, claims 1 and 5 are not subject to rejection under 35 U.S.C 102(e) as being anticipated by Humpleman. Further, claims 2 and 4 depend from claim 1 and are not subject to rejection under 35 U.S.C. 102(e) for at least the same reasons as claim 1; claim 3 depends from claim 2 and is not subject to rejection under 35 U.S.C. 102(e) for at least the same reasons as claim 2; claims 6 and 8 depend from claim 5 and are not subject to rejection under 35 U.S.C. 102(e) for at least the same reasons as claim 5; and claim 7 depends from claim 6 and is not subject to rejection under 35 U.S.C. 102(e) for at least the same reasons as claim 6.

In addition, claims 9-16 were rejected under 35 U.S.C 103(a) as being unpatentable over Humpleman. This ground for rejection is respectfully traversed.

With respect to claim 9, the Office Action recites:

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"Figs. 5 and 6 depict the communication between the NIU and STBs, and although Humpleman does not specify that a remote control receiver first receives initialization signals to begin the data stream disassembly, he does discuss that program logic device 66 (Fig. 5) receives a 'receive enable' signal to initiate the processing (col. 8 line 66 - col. 9 line 1) which is associated with controller 90 (col. 9 lines 11-14). It would accordingly have been obvious to one of ordinary skill in the art to consider this receive enable signal as functioning as a signal which provides Initialization signal, or alternatively to provide some type Initialization signal to prompt the receiver to accept an A/V stream for disassembly upon selection by the user. Also included are shared data decoding devices 70 and 72, and formatter (synthesizer 68) which generates a specific format protocol (i.e. MPEG)."

The Applicant respectfully disagrees with this interpretation of Humpleman, and refers the Examiner to col. 8, lines 27-35, which recite:

"The 10 MHz clock is converted to a 27 MHz clock provided to an MPEG decoder 70 and a video decoder/encoder 72. The selected program is provided by the network interface 64 to the MPEG decoder 70, which decodes the MPEG data and provides it to the video decoder/encoder 72. The data stream is converted by the video encoder 72 to a format (e.g., NTSC or SVideo) suitable for use by a display device, such as a television."

This is to say that Humpleman discloses as an example of his system that the STB decodes and demultiplexes the MPEG data stream into a display format that is then sent to a display device (e.g. television). The methods and procedures used to

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demultiplex and decode an MPEG data stream are well known to those skilled in the art.

Claim 9 is of the subject application, however, is not limited to claiming just the decoding means of the MPEG decoder 70 and the video encoder/decoder 72—which notably are not the shared data decoder devices of subject application. Rather, in the subject application, the MPEG decoder 70 and the video encoder/decoder 72, correspond to the audio processing and decoding 24 and video processing and decoding 26 shown in figure 2 and claim 9 further includes a shared data decoder that is neither disclosed nor suggested by Humpleman. Therefore, it does not follow from Humpleman, nor does Humpleman teach: "a shared data decoder and formatter coupled to the controller for receiving the data signals and, responsive to the initialization signal, for formatting the data signal according to a predetermined format and for providing the formatted data signal in accordance with a communications channel protocol."

In addition to the audio and video processing and decoding portions, claim 9 of the subject application also includes, in the television receiver, a shared data decoder and formatter which formats the data signal provided by the controller. Because the shared data decoder is distinct from the audio and video processing portions in claim 9, the audio and video decoding circuitry of Humpleman can not also be the shared data decoder. Accordingly, Humpleman does not disclose or suggest a shared data decoder that is internal to the television receiver.

Consequently, claim 9 is not subject to rejection under 35 U.S.C 103(a) as being unpatentable over Humpleman. Further, claims 10, 11 and 12 depend from claim 9

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and are not subject to rejection under 35 U.S.C. 103(a) for at least the same reasons as claim 9; and claim 13 depends from claim 11 and is not subject to rejection under 35 U.S.C. 103(a) for at least the same reasons as claim 11.

With respect to claim 14, the office action asserts:

"Since a shared device can be a printer, data organized in page form would have been obvious (if not expected) to be generate. Moreover, the data presented in page form must be formatted accordingly in order to be presented in adequate fashion (e.g. having readable font)."

This assertion, however, is based on a false premise. As described above, Humpleman does not disclose or suggest that any of the television receivers provides anything but television signals. Thus, Humpleman does not disclose or suggest that the television receivers can provide auxiliary data at all, much less provide the auxiliary data to a printer. Claim 14 relates to the transferal of formatted auxiliary data specifically from a television receiver to any shared data device, with the data being formatted appropriately to the type of shared data device. This is nowhere taught by Humpleman. Therefore, the Applicant respectfully traverses this rejection as being unsupported by documentary evidence. Accordingly, claim 14 is not subject to rejection under 35 U.S.C 103(a) as being unpatentable over Humpleman.

Further, claims 15 and 16 depend from claim 14 and are not subject to rejection under 35 U.S.C. 103(a) for at least the same reasons as claim 14.

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In light of the foregoing amendments and remarks, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to claims 4, 8, and 13 as being indefinite. Additionally, Applicant respectfully requests withdrawal of the rejections against claims 1-8 and claims 9-16, as all rejections have been respectfully overcome and traversed.

Respectfully submitted,


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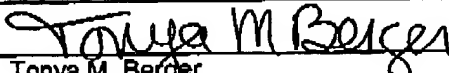
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